

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10 GREGORY FRANKLIN,
11 Plaintiff,
12 v.
13 SOTO, et al.,
14 Defendant(s).

Case No. CV 15-8379-CBM (KK)

ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Third Amended
18 Complaint, the relevant records on file, and the Report and Recommendation of the
19 United States Magistrate Judge. No objections have been filed. The Court accepts
20 the findings and recommendation of the Magistrate Judge.

IT IS THEREFORE ORDERED that

22 1. Defendants' Motion to Dismiss is GRANTED in part and DENIED in
23 part;

24 2. Defendants' Motion to Dismiss is DENIED as to Plaintiff's (a) First
25 and Fourteenth Amendment access to courts claim against defendant Rowe, (b)
26 First Amendment retaliation claim against Defendants, and (c) Fourteenth
27 Amendment due process claim against defendant Martinez;

1 3. Plaintiff's Fourteenth Amendment deprivation of property and Eighth
2 Amendment cruel and unusual punishment claims against defendant Harris are
3 DISMISSED with prejudice and without leave to amend;

4 4. All additional First, Eighth, or Fourteenth Amendment claims against
5 Defendants are DISMISSED without prejudice.

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7 | Dated: 11/15/17

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HON. CONSUELO B. MARSHALL
United States District Judge

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